IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30098 of 2007(G)

PETITIONER:

KOSHY THANKACHAN, POOSARI BUNGLOW,
KAYAMKULAM.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT OFFICER,**
   ALAPPUZHA.

2. **JOINT R.T.O, KAYAMKULAM, ALAPPUZHA DIST.**

3. **THE DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
   BOARD (ALAPPUZHA DISTRICT), AT HARIPAD.

4. **OFFICE OF THE EMPLOYEES PROVIDENT FUND**
   COMMISSIONER, KOCHI-17, REPRESENTED BY THE
   ACCOUNTS OFFICER.

5. **STATE OF KERALA REPRESENTED BY THE**
   SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
BY ADV. SMT.I.SHEELADEVI SC FOR KMTWWF

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

ANTONY DOMINIC,J.

W.P (C) No. 30098 of 2007

Dated this the 10th October, 2007

J U D G M E N T

Petitioner submits that his establishment is covered under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. On this basis, he contends that he is not liable to pay contribution under the Kerala Motor Transport Workers Welfare Fund Act. In several cases this Court has held that an establishment is covered under the Employees Provident Fund Scheme establishment is exempted from the Kerala Motor Transport Workers Welfare Fund Act. On this basis, petitioner cannot be held liable for contribution due under the Kerala Motor Transport Workers Welfare Fund Act.

In view of this, I dispose of this writ petition directing that 3rd respondent shall issue a clearance certificate on the basis of which petitioner will be entitled to remit the tax in respect of vehicles.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007